

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
Greenbelt Division

ROYALTYSTAT, LLC,

a Maryland limited liability company,

Plaintiff,

v.

INTANGIBLESPRING Corp.

a Panamanian corporation,

and

RAUL PACHECO QUINTANILLA,

a resident of the United Mexican States,

Defendant.

Case No.: 8:15-cv-03940-GJH

Hon. Paula Xinis

DEFENDANTS' MOTION TO DISMISS

Defendants IntangibleSpring Corp. and Raul Pacheco Quintanilla, by and through their attorneys General Counsel, PC, hereby moves to dismiss the claims within Plaintiff's Complaint and in support thereof states as follows:

1. Pursuant to Fed. R. Civ. P. 12(h)(1), objections to personal jurisdiction must be made in a defendant's first responsive pleading or be otherwise waived.
2. The 4th Circuit permits a defendant to appear for the limited purpose of challenging personal jurisdiction provided the jurisdictional challenge is timely raised.

3. Defendants IntangibleSpring Corp. and Raul Pacheco Quintanilla have not been properly served consistent with the Federal Rules of Civil Procedure.
4. Additionally, in raising a defense of lack of personal jurisdiction, a defendant may also join that defense with other defenses in a responsive pleading.
5. Plaintiff's claim of copyright infringement must fail because RoyaltyStat's database does not constitute copyrightable subject matter and is barred by the statute of limitations.
6. Plaintiff has failed to state a claim for false advertising under the Lanham Act.
7. And Plaintiff's claim under the Maryland Uniform Trade Secrets Act is also barred by the statute of limitations.
8. Consequently, Defendants hereby move pursuant to Fed. R. Civ. P. 12(b)(5) and (b)(6) to dismiss Plaintiff's claims.
9. Defendants rely on the attached brief in support.

Respectfully submitted,

Date: June 20, 2016

/s/

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CERTIFICATE OF SERVICE

I hereby certify that on June 20, 2016, a true and correct copy of the foregoing was filed electronically via the courts CM/ECF system and a Notice of Electronic Filing will be sent to all registered users below:

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